



The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

January 24, 2006

The Honorable Lawrence C. Ross, Chairman  
N.H. House of Representatives  
Science, Technology and Energy Committee  
Legislative Office Building, Room 304  
Concord, New Hampshire 03301

**Re: HB 1535 - An Act Relative to Best Available Control Technology Rules**

Dear Chairman Ross and Members of the Committee:

Thank you for the opportunity to provide testimony on HB 1535, which would prohibit adoption of rules relative to Best Available Control Technology (BACT) until the committee to study certain issues relative to construction and demolition waste has issued its final report.

In accordance with New Hampshire Law of 2005, Chapter 173, the New Hampshire Department of Environmental Services (DES) is required to develop administrative rules relative to Best Available Control Technology (BACT) for air pollution control at facilities burning non-exempt fuels. The department prepared a draft rule which was presented to and approved by the Air Resources Council. DES then established an external workgroup to review and comment on the draft rule. The workgroup was comprised of legislators, environmental and citizen groups, the business community, and DES staff. Three meetings were held with the workgroup from August through September 2005 with several changes being made to the initial draft as a result of input from the workgroup. A fiscal impact statement has been prepared and a public hearing is scheduled for February 27, 2006.

I would like to remind the committee that the BACT legislation and subsequent rulemaking applies to all non-exempt materials not just construction and demolition waste. If this bill were to be enacted, there would be no rules in place to address the specific requirements and procedures as required by Chapter 173, pertaining to other non-exempt materials.

Thank you for the opportunity to offer our testimony on HB 1535. Please feel free to call Robert Scott (Air Resources Division Director) at 271-1380, Thomas Niejadlik (Environmental Health Program Administrator) at 271-6865, or me at 271-3503 if you have any questions or would like further information.

Sincerely,

*Michael P. Nolin*  
Michael P. Nolin  
Commissioner

cc: House Science, Technology and Energy Committee Members